

**UNITED STATES COURT OF APPEALS
FOR THE DISTRICT OF COLUMBIA CIRCUIT**

City of Port Isabel, <i>et al.</i> ,)	
Petitioners,)	
)	
v.)	Nos. 23-1174 and 23-1221
)	(consolidated)
Federal Energy Regulatory)	
Commission,)	
Respondent.)	

**RESPONDENT FEDERAL ENERGY REGULATORY
COMMISSION’S RESPONSE TO ORDER TO SHOW CAUSE**

The Federal Energy Regulatory Commission responds below to the Court’s October 19, 2023 order to show cause regarding briefing in this case. *See* ECF No. 2022740.

Briefing: The parties have conferred and do not have any proposed modifications to the briefing format and schedule set forth in the Court’s October 19 order.

Oral Argument: This case and Case Nos. 23-1175, *et al.* involve appeals of separate sets of orders issued by the Commission that authorize the construction and operation of two liquefied natural gas facilities in Cameron County, Texas. (The orders at issue here also involve an associated pipeline project.) *See Rio Grande LNG*, 183 FERC ¶ 61,046, *reh’g denied*, 185 FERC ¶ 61,080 (2023); *Texas LNG*

Brownsville LLC, 183 FERC ¶ 61,047, *reh'g denied* 185 FERC ¶ 61,079 (2023). The Commissions orders were developed with separate administrative records and relate to two distinct projects.

Both sets of orders, however, respond to the Court's remand in *Vecinos para el Bienestar de la Comunidad Costera v. FERC*, 6 F.4th 1321 (D.C. Cir. 2021). And it is expected that Petitioners will raise some common issue as to both sets of orders. Accordingly, the parties believe it would be most efficient to have this case and Case Nos. 23-1175, *et al.* assigned to the same panel and, if oral argument occurs, be heard on the same day. This is the same procedure utilized in the appeals underlying the *Vecinos* decision.

Respectfully submitted,

/s/ Robert M. Kennedy
Robert M. Kennedy
Senior Attorney

Federal Energy Regulatory Commission
888 First Street, NE
Washington, D.C. 20426
Tel.: (202) 502-8904
Fax: (202) 273-0901
Email: Robert.Kennedy@ferc.gov

November 3, 2023

CERTIFICATE OF COMPLIANCE

This document complies with the word limits in Fed. R. App. P. 27 because it contains 237 words, excluding the parts of the document exempted by Fed. R. App. P. 32(f) and Circuit Rule 32(e)(1).

I further certify that this document complies with the type-face requirements of Fed. R. App. P. 32(a)(5) and the type-style requirements of Fed. R. App. P. 32(a)(6) because it has been prepared using Century Schoolbook 14-point font in Microsoft Word.

/s/ Robert M. Kennedy
Robert M. Kennedy
Senior Attorney

CERTIFICATE OF SERVICE

I hereby certify that, on November 3, 2023, a copy of the foregoing was filed electronically. Notice of this filing will be sent to all parties by operation of the Court's electronic filing system. Parties may access this filing through the Court's system.

/s/ Robert M. Kennedy

Robert M. Kennedy
Senior Attorney